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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

MOR3334P0891US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

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Signature _____

Typed or printed name _____

Application Number

10/695,404

Filed

Oct. 28. 2003

First Named Inventor

William L. Grilliot

Art Unit

3765

Examiner

Alissa I. Hoey

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

 applicant/inventor. assignee of record of the entire interest.See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96) attorney or agent of record.Registration number 24,103Allen J. Hoover
Signature

Allen J. Hoover

Typed or printed name

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Oct. 13, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

Total of one forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Attachment to Pre-Appeal Brief Request for Review
Application No. 10/695,404 - Art Unit 3765
Attorney Docket No. MOR3334P0891US**

The claims stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Parker (US 3,269,036) in view of Hightower, Jr. (US Re. 32,506).

The primary examiner has written, repeatedly, and the undersigned attorney traverses, respectfully, that "Parker teaches a pair of protective pants" Parker teaches and discloses leggings, not pants. As exemplified in Figure 2 of Parker, leggings are not pants but are worn over pants. For obvious reasons, leggings are not worn without pants.

Hightower, Jr., which also teaches and discloses leggings, and which evinces that leggings may be also called chaps, is mentioned by its number in the applicants' specification, under "Background of the Invention," where it is explained that this invention addresses a need for a pair of protective pants with enhanced, below-knee protection, whereby to eliminate a need for the wearer to wear separate chaps or separate leggings.

The undersigned attorney submits, respectfully, that any modification of the leggings of Parker in view of the teachings of Hightower, Jr., would result in separate chaps or separate leggings, not in a pair of protective pants, as claimed.

Respectfully submitted,

By Allen J. Hoover
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